WP(C) 337/2007

BEFORE

THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE(ACTG.)

THE HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr S. Sarma, learned counsel for the writ petitioners.

2. This writ petition is directed against the order dated 01.08.2006 passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A.No.258/2005.

3. The matter pertains to selection undertaken by the Railway authorities for the post of Senior Scientific Research Assistant for which advertisement was issued and written examination was held on 29.6.2003. It is only the respondent-applicant who had secured the qualifying marks on the basis of the performance in the written examination out of 25 candidates who took part in the written test. Accordingly, a call letter was sent by the Railway authorities for document verification fixing 07.01.2004. It appears that the respondent-applicant did not receive the said call letter and apparently the said letter returned back to the Railway authorities with the endorsement of the postal authorities not known .

4. As the applicant did not appear in the interview on 7.1.04, a second chance was given for document verification fixing 9.2.2004. This letter also was not delivered to the applicant. Thereafter, the candidature of the applicant had been cancelled.

5. In the previous round of litigation initiated by the applicant in OA No. 184/04, a direction was given by the learned Tribunal for passing a reasoned order. Accordingly, the Railway authorities had passed the order dated 12.9.2005 declining to issue any fresh call letter for document verification to the applicant. This order passed by the Chairman of the Railway Recruitment Board, Guwahati came to be challenged in OA No.258/2005.

6. The learned Tribunal found that the letter to applicant calling her for the written test was also not delivered and the applicant on coming to know of the written test obtained a duplicate call letter and for future correspondence, provided her mother's official address. Accordingly, when the letters asking the applicant to come for document verifications were not delivered, the learned Tribunal found no fault with the applicant, as the letters were not sent to the official address of the applicant's mother. On the basis of the aforesaid finding, the learned Tribunal set aside the order passed by the Chairman of the Railway Recruitment Board, Guwahati and directed the respondents to re-open the process of selection and give an opportunity to the applicant to provide the documents for the purpose of verification in connection with the selection process. This direction was required to be complied with within a period of three months from the date of receipt of the order of the learned Tribunal.

7. We find no infirmity with the reasoning given by the learned Tribunal in passing the impugned order and, accordingly, we consider that this writ petition is without any merit.

8. However, the learned counsel for the writ petitioners has submitted that the time for restarting the process of selection is already over and prays for further four months time to complete the process of selection in terms of the direction given by the learned Tribunal. Considering the prayer made and the difficulties expressed, we give further four months time to complete the process of selection in terms of the directions given by the learned Tribunal by the impugned order dated 01.08.2006.

9. With the above direction, the writ petition is dismissed. No costs.